- Approximately 80% of Kitsap County's rural lots are undersized for zoning under GMA; County would like to better manage those lots.
- King County believes offset should be counted based on fixed number of developable lots.
- Mason County has more lot consolidations than subdivisions. Each lot has requirements for onsite septic and wells require a certain amount of land area. In rural Mason County, unlikely to find parcels in headwaters (owned by timber companies; already have protection from long term forests). The County does not support acquiring municipal water rights, as it affects the affordability and availability of affordable and low income housing.
- Ecology will draft a general statement that the Committee supports land acquisitions that prevent or remove PE wells, especially in headwaters. Updated language will be discussed at the next Project Workgroup meeting.
- Squaxin Island Tribe requested a broader statement to replace the water rights general statement. "The WRIA 15 Committee recognizes the importance of water availability for farmers and the limited available water supply. The WRIA 15 Committee supports the acquisition of irrigation water rights if the properties underlying the water rights have access to an alternative water source that can be reliably supplied to the properties at a rate that is comparable to the cost of current irrigation management or is otherwise agreeable to the property owner." Partial acquisition applies to other water rights as well-and/or consolidating systems. Opportunities exist to provide efficiencies through conservation and/or consolidations that allow water rights to be put into trust.
  - Pierce County would like to broaden statement beyond active farms. Statement should also relate to areas designated as agricultural resource lands (ARL); not all land designated as ARL are active farms.
  - Kitsap County recommends modifying language to say "agriculture" instead of "farmers." Many farms in county are small scale / hobby farms that would not self-characterize as "farmers," but definitely grow food.
    - Suquamish Tribe is not aware of any GMA designated "agricultural" parcels in Kitsap County.
  - WDFW recommends using "producers" instead of "agriculture" or "farmers."
  - Port Gamble S'Klallam Tribe noted climate change could actually make agriculture more viable in the WRIA. Consider greatest use of water.
  - Skokomish Tribe suggested an exemption for small scale farms (i.e., half acre or less).
  - Next Steps: Ecology will work on revisions to the general water rights statement based on feedback. Ecology will continue to work on development of the water right opportunities and bring back updates to the committee.

# Offset Benefits for Projects

- Port Gamble S'Klallam Tribe noted the Seabeck road widening project is not a viable opportunity.
- Kitsap County generally supports raingarden LID development. For new development, Kitsap already requires LID where appropriate (including rain gardens/infiltration pits). Huge part of the problem is legacy developments before stormwater codes were in place. County is discussing practical approaches to moving towards LID retrofits.
- Ecology noted that a "deep dive" meeting will be scheduled to further discuss the Mason County rooftop infiltration project. Many technical comments and concerns have been expressed by committee members, and further revisions are needed.

**Commented [PP3]:** Not sure what this is doing in the middle of my comment. It might belong at the end after the discussion that follows.

**Commented [VMSJ(4R3]:** I believe this was the revision from the google slide. Will confirm, but can also remove.

- Squaxin Island Tribe noted all projects will have uncertainty around offset estimate. A range is more transparent and acknowledges scientific integrity. Would like to see a range of low to high offset estimates, developed from the technical analysis.
  - If a range of offset values for each project is included in the WRE Plan, Ecology would likely default to low end of range in terms of counting towards offset unless committee directs Ecology otherwise.
  - Kitsap County suggests using specific offset estimates where projects are welldeveloped, and Committee is reasonably confident in estimates. Where projects have more uncertainty, a range of values may be more appropriate.
  - Next Steps: Ecology and Anchor QEA will revise the project descriptions and provide suggested number or ranges for feedback.

### • Habitat Benefit Projects

- Kitsap County does not support excluding habitat projects from inventory. Could include
  a range of potential offset estimates that could be refined over time (but exclude from
  offset total in Plan).
  - City of Port Orchard agrees.
  - Ecology is not removing any projects from the project inventory unless flagged for removal by the Committee. Remaining projects can be included in project inventory appendix and/or body of Plan. WDFW has concerns about quantifying and counting habitat project offsets towards total.
- Port Gamble S'Klallam Tribe is comfortable with including habitat projects in the plan but leaving them unquantified.
- Great Peninsula Conservancy: As long as it is clear the projects in the appendix are part
  of the plan and are eligible for the Streamflow Restoration Grant "bonus points," then
  GPC is fine with the NEB-focused projects staying in the appendix.
- Ecology will include habitat projects in project inventory (appendix), and note in Chapter
   5 of the Plan that projects in appendix are part of plan implementation and to meet
   NEB.

## Project Inventory Clean Up and Organization

- o The **Project Workgroup** discussed organizing the project list into four categories:
  - Projects with quantifiable offset benefits
  - Projects with non-quantifiable offset benefits
  - Projects that provide habitat benefits only
  - Projects that cannot currently move forward at this time / conceptual projects
- Great Peninsula Conservancy suggested elevating projects in the plan that are ready to be implemented in the short-term ("shovel-ready"), as long as this does not imply projects in appendix are less valuable.
- Kitsap County asked how projects that cannot be quantified will be moved forward (what is incentive?).
  - City of Bainbridge Island agrees. Some projects may need to be implemented to then create a baseline for future evaluation of the benefit of similar projects.
- Squaxin Island Tribe agrees with WDFW about not including projects without water benefit in body of Plan. <u>The Committee should set some boundaries to avoid piling on</u> <u>habitat projects for a false NEB. But it's</u> Ok to cast a wide net and include robust project list in appendix.
- Pierce County suggests including narrative project categories in body of plan, then keeping project list in appendix. County does not support removing non-water offset projects from plan.

 Ecology and technical consultants will develop descriptions of projects for Chapter 5 and Appendix for committee review.

### • KPUD Stream Augmentation Project

- Squaxin Island Tribe noted that the discussion guide misstated the Tribe's concerns.
   They recommend thats the augmentation project undergo a feasibility study-that includes a technical study of the to understand impacts of project outside target stream.

   We also need to understand evaluate how Water System Plans would account for future water use for stream augmentation.
- Kitsap County is concerned that this project would draw water from deeper aquifers. The projects in WRE Plan infiltrate water or buy water rights. Proposing to take existing water rights and spill into stream is contradictory. Entire stormwater program (NPDES and Ecology's Stormwater Manual) are intended to put water back into the ground. If project stays in Plan, include a statement to justify how this is not inconsistent with state and local government efforts to infiltrate water LID and stormwater management.
  - WDFW agrees with Kitsap County.
  - Suquamish Tribe would like to keep this project on the table as an option. While
    not ideal, this type of project is already occurring as a mitigation option. Keep in
    the project list as an option if urgently need water in streams. Mitigation for
    Well 7 in Poulsbo is augmentation; also occurring on Gorst Creek and possibly
    Grovers.
  - Port Gamble S'Klallam Tribe agrees with Suquamish Tribe.
- Skokomish Tribe sees both perspectives. Not opposed to keeping on project list with concerns stated.
- Squaxin Island Tribe noted that this ties into the adaptive management approach. Over 20 years, how do we add projects in if they are needed, such as if projects on the list come off for some unexpected red flag?
- Based on comments, Ecology will remove this project from Chapter 5 (do not include as contributing to offset benefit). The project will remain on the project inventory noting that there our outstanding concerns and requests for a feasibility study prior to implementation.

## **Policy Recommendations**

Susan provided an update to the committee on the proposals that were flagged for revision in the survey. The proposals are now revised in Chapter 6 for committee feedback. Susan provided an update from the Policy Proposal Open House (9/28), which discussed proposals that entity flagged as potential for not approving the plan if included. Policy proposals will not be brought back to Committee meetings unless proponent/opponent have come to agreement. Proponents should submit revised versions of policy proposals to Stacy eight days before next Committee Meeting for inclusion in meeting packet.

### Reference Materials:

• Policy Proposal Open House – Synopsis of Meeting Results

## **Adaptive Management**

The Committee discussed **updates to the Draft Adaptive Management Chapter of the WRE Plan** as well as proposed revisions from the Squaxin Island Tribe. Susan noted that further discussion is needed on a general monitoring recommendation (for things above and beyond Adaptive Management) to be included in Policy Chapter along with funding for things outside of Adaptive Management. Funding

component of Adaptive Management Chapter will need to be developed as Committee determines what needs to be funded.

Ecology does not have authority from legislature for Adaptive Management or future review of plan/projects. Once the WRE planning process is completed, the Committee can choose how to manage project list. If new projects are added to the WRE Plan after approval, they will not get the benefit of "bonus points" from Streamflow Restoration Grant Funding process as they were not part of the adopted plan. WRIA 7 is considering a proposal in the WRE Plan to ask legislature for Adaptive Management funding and allow for Adaptive Management of refinement of project list into the future (Stacy will share).

Stacy shared responses to committee -questions on the **Salmon Recovery Portal** (provided by Tristan Weiss, WDFW):

- Question: Will SRP include measuring project effectiveness (i.e. estimating offset)?
  - Response: The SRP is both a web-based data repository and tool that provides a framework from which to archive projects and actions recommended within the watershed plans and chronicle the development, funding, and implementation of new projects related to streamflow restoration. As such, the SRP is a tool and a database that can be used to record information about project effectiveness but will not conduct any project effectiveness monitoring of its own. Its primary utility is to provide a platform from which to conduct implementation monitoring which could include identifying subbasins with project deficits, assessing streamflow restoration funding needs, cataloging quantified (or estimated) project benefits, and tracking permit exempt well development.
- Question: How will the data stewards be funded/maintained over the long-term?
  - Response: WDFW has already provided funding to conduct pilot projects (in WRIAs 11, 22, and 23) to update the SRP to accommodate streamflow restoration projects and to evaluate the costs necessary to expand tracking statewide. WDFW intends to provide some long-term recurring annual funding to support streamflow restoration project tracking. RCO staff estimate that recurring annual costs (associated with updating project information and uploading newly funded projects) are likely to be relatively small. However, the total costs will remain uncertain until the pilot projects are completed (~January 2021).
- Question: Who will manage this effort over the long-term? Is WDFW prepared to do that?
  - Response: WDFW is prepared to work with RCO, UW data stewards, and Ecology to ensure continuity of annual data uploads and adequate quality assurance of project information on an annual basis.
- Question: How easy will it be to download information from the SRP to include in the WREC reports (many WRECs are going to recommend that Ecology or another entity develops regular reports on project status)?
  - Response: a primary function of the SRP is to generate reports of project status, watershed restoration implementation status, and grant funding across programs and regions. Filtering and downloading data is easy and producing reports should be relatively straightforward. It may be possible to develop additional reporting features as needed.

## Reference Materials:

- Updated Adaptive Management Chapter
- WDFW responses to Salmon Recovery Portal Questions (see meeting packet).

#### Discussion:

Susan reviewed proposed additions to the Section from Paul Pickett (Squaxin Island Tribe):

- Paul asked that in addition to tracking and reporting new PE Wells, new connections to water systems should also be tracked and reported. He also requested that the data be organized by subbasin.
  - Ecology noted that jurisdictions report new wells by WRIA, and the amount of fees
    collected but do not currently report by subbasin. Some counties have had difficulty
    reporting by WRIA.
  - Pierce County currently provides whatever information is required along with fees
    collected to Ecology. Data is available on number of permits and associated parcel
    numbers. Using GIS, we could easily figure out which subbasin these wells fall within but
    that is not currently required. How does collecting data on non-PE wells add value to
    adaptive management that is focused on mitigation of PEW?
    - Squaxin Island Tribe would like enough information to use the WRE Plan and its implementation in the context of overall water management. The WRE Plan is part of broader water right management regime.
  - Mason County notes that reports on Group A systems are not required by law. If latitude and longitude are included on each start card, Ecology could pull information and include on map.
  - Kitsap County only reports on one WRIA. They produce a list of building permits on PE
    wells because that is how the fees are transmitted to Ecology. Theoretically, could get
    an account of all wells across the county and subtract PE wells to calculate Group A/B
    systems. Breaking out by subbasin relies on data that is not normally collected but you
    could do a GIS exercise to obtain. There is currently no way to do a direct data poll on
    Group A systems.
  - Susan and Stacy will work on updating this language to include the recommendation of breaking out data by subbasin if efficient/feasible. Further input needed on inclusion of water system data, but counties currently not interested in including.
- 2. Paul requested that the annual reports include an estimated "as built" offset estimate for each completed project.
  - Pierce County noted that once a project is completed, it takes time to determine the full
    extent of its benefits. Benefit observed can increase over time.
  - Squaxin Island Tribe suggests conducting an initial assessment on how the project was built
    and review all projects every five years to see if they are functioning as expected. Could also
    monitor groundwater levels.
  - King County notes that restoration projects could take a few years (e.g., for rainfall event to shift channel or create storage; or for BDA to bring in beavers). As such, annual required monitoring may not be very useful. Suggest noting any significant changes in design from what was proposed in WRE Plan and at least every five years, provide a summary of projects.
  - Pierce County agrees with premise of information being helpful for Adaptive Management.
     Language is very generic right now; be clear about whether Plan recommends a qualitative or quantitative assessment of project. Quantitative reporting is not easy to generate; we cannot guarantee we will be able to provide quantified measurements without a separate

- effectiveness monitoring project. Consider serious investments associated with monitoring, for example: it costs roughly \$100K to put in stream gauging stations.
- Squaxin Island Tribe recommends relying on the project sponsors to provide data. Include
  practical language in WRE Plan to indicate how realized offsets of WRE Plan projects will be
  estimated into the future. Imagine that there may be a future request by the legislature or
  other interested parties for information on how much water was created by offsets, and you
  can give them an answer.
- Susan to develop draft language to address these points.
- 3. Paul proposed a rewrite of the Salmon Recovery Portal section.
  - Susan will revise this section to incorporate Paul's suggestions and Tristan's responses to
    questions without changing the meaning or intent of the section.
- 4. Squaxin Island Tribe recommends that the first annual report includes an estimate of expenses necessary for implementation, a recommended Permit Exempt Well fee increase to cover those expenses, and a proposed schedule for rule-making to implement the higher fee. If raising PE well fees, need to indicate what these additional funds will be used for.
  - Kitsap County's principle objection is right now there is no budget to base fees upon. If
    raising fees now, it would be very hard to get specific on how they would be used. As a
    county agency, Kitsap has to justify each fee charged and the budget behind it. This
    analysis could be very helpful if it is a robust analysis of implementation costs and the
    associated fee increase to cover these costs. Suggests revisiting this idea farther out
    into plan implementation (more appropriate for 5-year check in).
  - Mason County is opposed to fee increases if unclear what they will be used for.
  - Susan will draft language that speaks to a future assessment. Will need to discuss more
    about how many years out, what it includes, etc. and bring back to the group for
    consideration.
- 5. **Squaxin Island Tribe** would like to add a requirement that Ecology prepare a special report with the following information:
  - An estimate of the total number of connections to PE wells currently in use, as described in RCW 90.94.030(3)(b).
  - An estimate of the number domestic and municipal water rights in use and their current quantity of use, including estimates of inchoate water remaining in municipal water rights, and categorized by whether they are mitigated or not and which subbasin they are in, as described in RCW 90.94.030(3)(c).
  - Estimates of the cumulative consumptive water use impacts on instream flows from all pre-2018 permit-exempt wells and unmitigated municipal water rights, as described in RCW 90.94.030(3)(d)(e).
  - An evaluation of the costs of offsetting all new domestic uses over 20 years, as described in RCW 90.94.030(3)(d).
  - The initiation of adjudication would be considered an acceptable substitute for this study.
  - Squaxin Island Tribe is requesting additional data for water management (information the Tribe believes the law calls for).

- Some members of the committee feel this collection of data is not related to adaptive
  management of this plan so would prefer to move it to another section of the plan for
  committee consideration.
- Susan will work with Paul to develop language to address this need.
- 6. **Kitsap County** questioned the purpose of the email address for each well location. Not the most useful information to collect; already have taxpayer of record information.
  - Susan noted this was included in WRIA 1's rule; flag to potentially remove.
- Squaxin Island Tribe would like additional information added about how Ecology and Counties will implement the plan.
  - Squaxin Island Tribe has raised these points before: expectations of each Committee member to implement WRE Plan.
  - Ecology has significant concerns about current wording regarding commitments to plan
    approval and rulemaking. Ecology may be comfortable with broad statements about
    reviewing the WRE Plan against NEB guidance and implementing a funding program, but
    will need management review.
  - Pierce County cannot commit future councils to specific actions. Could potentially
    incorporate language reflecting the review of the county's Comprehensive Plan against
    WRE Plan during next periodic review and update (required by GMA) in 2024.
  - Mason County agrees and would need to review language in writing before commenting.
  - Squaxin Island Tribe recommends including whatever language counties think is appropriate (i.e., what have counties done with similar plans in the past? What will happen with this one? What might be considered in the future?).
  - Kitsap County notes the Comprehensive Plan updates are a public process. Cannot
    guarantee any specific outcomes of process. Seems like commitments are placed on
    County and Ecology but there will be a number of individual project sponsors that
    should be held to same standard.
  - Susan will add a place-holder for each entity to provide text on what they are able to commit to.
  - This is not adaptive management so will be moved to an implementation section of the plan for committee consideration.

## **Consumptive Use Estimate & NEB Evaluation**

The Committee discussed **consumptive use estimates** and a path forward for the WRE Plan. The current draft plan presents two methods for calculating consumptive use estimates (USGS Groundwater Method vs Irrigated Area Method), and a range of estimates based on the various growth projection scenarios. Ecology requests a decision from the Committee by 11/5 on how to address consumptive use in WRE Plan.

The Committee also discussed whether to include a **NEB evaluation in the WRE Plan**, and if so, what that evaluation should include. Ecology is required to complete a review of each watershed plan to determine whether it meets NEB; plans must demonstrate that offsets from projects and actions exceed projected consumptive use from new permit-exempt domestic groundwater withdrawals over the planning horizon. The WRIA 15 Committee has the option of including a NEB evaluation within the plan.

Ecology will give considerable deference to Committee to decide what NEB means for the WRI A15 watershed.

#### **Reference Materials:**

<u>Discussion Guide</u>: Consumptive Use Estimate
 <u>Discussion Guide</u>: NEB Evaluation (Chapter 7)

### Discussion:

### • Consumptive Use

- Squaxin Island Tribe would like to use a range for consumptive use targets in WRE Plan.
   Medium growth projection is good as a moderate estimate and the most likely outcome.
   Higher estimate would account for higher growth and climate change. Suggest using irrigated area method with higher growth projection with 0.12 irrigated area included.
   Define offset values within range:
  - Below moderate projection = problem (strong push for offset projects needed).
  - Between moderation and high growth projection = concern (need to look for more offset projects)
  - Above high projection = success
- Kitsap County prefers the USGS method due to its extremely large sample size relative
  to the number total connections in the WRIA, the lack of evidence that residences on
  wells use more or less water than those on public water supplies, and the inherent
  assumptions and uncertainties in the irrigated-area method.
- Mason County would support the irrigated area method because it accounts for water at turf production rates—which would be an acceptable "safety factor" because it is much higher than actual irrigation for lawns (766 af/yr).
- Pierce County does not support the inclusion of additional consumptive use numbers this late in the process. A suite of options are on the table and the Committee has not been able to reach consensus. Adding new numbers now would reverse previous Committee agreements and further complicates a decision that the Committee has struggled with for over a year. Pierce County's preference would be 467.8 to 766.4 acre feet per year (med growth scenario/USGS method –med growth scenario/irrigated area method). Lawn area is the method used in other watersheds and the County is striving for consistency across all of their WRE plans. However, the USGS method offers substantially larger sample sizes that would help justify the use of an alternative method particularly if that flexibility helps to achieve committee consensus.
- City of Bainbridge Island believes the unknowns and conservative nature of the midrange estimate combined with a robust adaptive management plan is sufficient contingency for the unknowns of this analysis. Additional factors of safety added to the current consumptive use estimates would be difficult to justify to our council. (sent via email to Stacy and comment provided in chat)
- Great Peninsula Conservancy believes the USGS estimate seems most rigorous, but GPC is willing to support whichever estimate will help reach consensus.
- Ecology noted that last fall the Committee decided not to substitute null values within the irrigated area method results. As an alternative to finding consensus on a specific number or range, the Committee could choose to leave present consumptive use information as it is currently laid out in Draft Chapter 4 (i.e., describe different methods and results). Ecology's review would likely default to the highest range unless the Committee directs Ecology elsewhere.

- Kitsap County would be comfortable with this approach. Need to adjust plan language around Kitsap's calculation of population growth. Did not use a range, used medium number with margin of error.
- Ecology will revise the discussion guide for continued discussion at the next meeting and to see if the committee can reach a decision.

#### NEB Evaluation

- In the NEB guidance, Ecology recommends steps for planning groups to complete the NEB evaluation:
  - Compare consumptive water use to water offset benefits generated by projects and actions at the WRIA scale.
  - Compare consumptive water use to offsets within each subbasin.
  - Identify the projects and actions that go beyond the needed offset in order to achieve NEB.
  - Include a clear statement that the committee finds that the combined components of the plan do or do not achieve a NEB.
  - If desired, include adaptive management.
- Port Gamble S'Klallam would like to include an evaluation of NEB based on the timing of impact relative to the timing of benefit. Could assume steady state impacts vs benefits during critical flow periods.
- Squaxin Island would support including a NEB evaluation within the plan but diverging from the steps Ecology outlined above. The Tribe has offered alternative language; the heart of NEB is ensuring streamflows are restored.
- Pierce County supports sticking to the process defined by Ecology and their NEB technical reviewers. Divergence from that adds unnecessary complexity and lessens the certainty that the Committee arrives at a plan Ecology will adopt.
- King County asked what approaches other WRIAs are using. Avoid creating a new process if possible.
  - Stacy will check with WRIA 7, 8, and 9 Chairs.
- Kitsap County believes most logical approach is using the process as outlined in Ecology's NEB interpretation since that is what will be used to evaluate WRE Plans.
- Ecology is concerned that the current project list will fall short of offset benefit if the KPUD Stream Augmentation Project and Mason County Rooftop Project are not included as offsets in the Plan. Focus resources/technical consultant time on developing a robust project list.
- There is general support for attempting to prepare a draft NEB chapter. Ecology will
  work with the technical consultants to prepare a draft, with consideration for Squaxin
  Island Tribe's revisions. (Note that the projects will need to be further developed prior
  to completing the NEB chapter.)

### **Public Comment**

No public comment

# **Next Steps and Action Items**

- Next Committee Meeting is Thursday, October 29 (9:30 AM 12:30 PM).
- Ecology looking to schedule Project Workgroup meeting for October (a week ahead of Committee Meeting).

Draft WRIA 15 Watershed Restoration and Enhancement Plan – Chapter 6

- New building permits issued that include permit-exempt wells.
- Status of implementation for each project included in the plan.
- Status of policy recommendations included in the plan.
- An ongoing list of new PE wells in the WRIA since the enactment of RCW 90.94.
  - The lists of building permits and projects will be organized by subbasin, and if feasible represented on a map that includes subbasin delineations. Counties are encouraged to provide parcel or other geographic information in their reports to Ecology to support mapping by subbasin.
- B. To assess the status of project implementation, the Committee recommends using the Salmon Recovery Portal (<a href="https://srp.rco.wa.gov/about">https://srp.rco.wa.gov/about</a>), managed by the Washington State Recreation and Conservation Office (RCO), to support project tracking.
  - The Washington Department of Fish & Wildlife (WDFW), in collaboration with the Washington Department of Ecology and RCO, will coordinate the implementation of project tracking through the Salmon Recovery Portal.
  - Project sponsors are expected to support project tracking efforts and data sharing.
  - Local salmon recovery Lead Entity Coordinators will not be expected to provide
    ongoing support for project entry, maintenance, or reporting. To improve
    harmonization of streamflow restoration with ongoing salmon recovery efforts,
    local salmon recovery Lead Entity Coordinators will be consulted prior to initial
    data uploads.
  - University of Washington data stewards, contracted by WDFW, will conduct data entry, quality assurance, and quality control. If this approach changes, WDFW will propose an alternative method for completing this task.
  - Entities with representation in the WRIA 15 Committee (or an implementation group, if created) are encouraged to assist as needed with coordination, data gathering and input, and tracking.

Table xx summarizes the entities responsible for implementing the tracking and monitoring recommendation and associated funding needs.

Table xx. Implementation of Tracking and Monitoring Recommendation

Action	Entity or Entities Responsible	Funding Considerations
Track building permits issued with PE wells.	Ecology (via reporting from counties and cities).	The number of building permits and associated fees are transmitted to Ecology annually. No additional funding is needed.
Maintain an ongoing list and map of new PE wells within each sub-basin.	Ecology	Information included with data on new PE wells, provided by local governments. No additional funding is needed.

**Commented [SG5]:** Changes based on committee discussion in 10/29/20 meeting

**Commented [SG6]:** Suggested change because participation is voluntary.